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DECL69.005APC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Desmet, et al.  
Appl. No. : 10/573,951  
Filed : March 30, 2006  
For : METHOD AND DEVICE FOR  
SIZE-SEPARATING PARTICLES  
PRESENT IN A FLUID  
Examiner : Unknown



Group Art Unit 1724

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

November 17, 2006

(Date)

*Che S. Chereskin*

Che Swyden Chereskin, Ph.D., Reg. No. 41,466

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
P.O. Box 1450  
Office of Initial Patent Examination  
Customer Service Center  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that the Official Filing Receipt, a copy of which is enclosed, be corrected to reflect the true spelling of the second inventor's name. The spelling should be DE SMET, not Desmet. Supporting documentation is provided herewith.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Nov. 17, 2006

By: *Che S. Chereskin*  
Che Swyden Chereskin, Ph.D.  
Registration No. 41,466  
Agent of Record  
Customer No. 20,995  
(949) 760-0404



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/573,951	03/30/2006	1724	775	DECL69.005APC	7	33	2

20995  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614



CONFIRMATION NO. 1755

## FILING RECEIPT



\*OC000000021158796\*

Date Mailed: 11/13/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Gert Desmet, Elewijt, BELGIUM;  
Jan Desmet, Herne, BELGIUM; → s/b De Smet  
Piotr Gzil, Kapellen, BELGIUM;  
David Clicq, St. Pieters-Leeuw, BELGIUM;  
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Sarah Vankrunkelsven, Brussel, BELGIUM;  
Gino Baron, Tervuren, BELGIUM;  
Joost Van Den Cruyce, Opwijk, BELGIUM;

Power of Attorney: The patent practitioners associated with Customer Number 20995.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP04/10926 09/30/2004

## Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 03447244.9 10/02/2003

If Required, Foreign Filing License Granted: 11/08/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/573,951**

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Projected Publication Date: 02/15/2007

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

**Title**

Method and device for size-separating particles present in a fluid

**Preliminary Class**

210

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**NATIONAL PHASE  
UTILITY APPLICATION**

**Transmittal to the (DO/EO/US)  
Under 35 USC 371**

Attorney Docket No.: DECLE69.005APC  
First Named Inventor: Gert Desmet  
Int'l Application No.: PCT/EP2004/010926  
Int'l Filing Date: September 30, 2004  
Priority Date Claimed: October 3, 2003  
Title: METHOD AND DEVICE FOR SIZE-SEPARATING  
PARTICLES PRESENT IN A FLUID  
Express Mail Label No.: EV 718234420 US

**Direct all correspondence to Customer No.: 20995**

Date: March 30, 2006

Page 1 of 2

**Mail Stop PCT**

United States Patent and Trademark Office

P.O. Box 1450

Alexandria VA 22313-1450

The following enclosures are transmitted herewith to be filed in the patent application of:

**Inventors:**

- |                  |                          |
|------------------|--------------------------|
| 1. Gert Desmet   | 2. Jan De Smet           |
| 3. Piotr Gzil    | 4. David Clicq           |
| 5. Kris Pappaert | 6. Johan Vanderhoeven    |
| 7. Nico Vervoort | 8. Sarah Vankrunkelsven  |
| 9. Gino Baron    | 10. Joost Van Den Cruyce |

**APPLICATION ELEMENTS:**

- (X) This is a FIRST submission of items concerning a filing under 35 U.S.C. § 371.
- (X) A copy of the International Application as filed (35 U.S.C. § 371(c)(2)) has been communicated by the International Bureau. PCT/IB/308 enclosed.
- (X) Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. § 371(c)(3)) have not been and will not be made.
- (X) Amendments to the claims under PCT Article 34 were made on July 20, 2005. The retyped claims are attached to the IPER.

**OTHER APPLICATION PARTS:**

- (X) Preliminary Amendment in 8 pages.
- (X) Abstract.
- (X) An Information Disclosure Statement and PTO/SB/08 equivalent listing 8 references for consideration. Seven references are enclosed.
- (X) International Application as published.
- (X) International Preliminary Report on Patentability.
- (X) Copies of Forms PCT/IB/306 and PCT/IB/332.
- (X) Return prepaid postcard.

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**NATIONAL PHASE  
UTILITY APPLICATION**  
**Transmittal to the (DO/EO/US)**  
**Under 35 USC 371**

Attorney Docket No.: DECLE69.005APC  
First Named Inventor: Gert Desmet  
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PARTICLES PRESENT IN A FLUID  
Express Mail Label No.: EV 718234420 US

**Direct all correspondence to Customer No.: 20995**

Date: March 30, 2006  
Page 2 of 2

**FILING FEES:**

The present application qualifies for Small Entity Status under 37 CFR 1.27.

FEE CALCULATION				
FEE TYPE & DETERMINATION		SMALL FEE	CALCULATION	TOTAL
Basic Filing Fee under 1.492(a)		2631 (\$150)		\$150
Search Fee under 1.492(b) ( <i>enter one in TOTAL column</i> )				
(1) USPTO was ISA/IPEA & claims satisfy Art. 33 (1)-(4)		2640 (\$0)		\$200
(2) USPTO was the ISA (noncompliant claims)		2641 (\$50)		
(3) Foreign Search Report Enclosed		2642 (\$200)		
(4) No Search Report Enclosed		2632 (\$250)		
Examination Fee under 1.492(c) ( <i>enter one in TOTAL column</i> )				
(1) USPTO was ISA/IPEA & claims satisfy Art. 33 (1)-(4)		2643 (\$0)		\$100
(2) Non US IPEA or Noncompliant Claims		2633 (\$100)		
Excess Claims	33 - 20 = 13	2615 (\$25)	13 x 25 =	\$325
Excess Ind. Claims	2 - 3 = 0	2614 (\$100)	0 x 100 =	\$0
<b>TOTAL FEE PAID (If Different Than Fee Due)</b>				<b>\$775</b>

(X) A check in the amount of \$775 to cover the Total Fee Due is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.



Che Swyden Chereskin, Ph.D.  
Registration No. 41,466  
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Customer No. 20,995  
(949) 760-0404

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033006

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## PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

BRANTS, Johan, Philippe, Emile  
E. Gevaertdreef 10A  
B-9830 St-Martens-Lede  
Belgium  
De Clercq, Brants & Partners cv  
- RECEIVED -

13 JAN. 2005

Date of mailing (day/month/year) 06 January 2005 (06.01.2005)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference VUB-013-PCT	
International application No. PCT/EP2004/010926	International filing date (day/month/year) 30 September 2004 (30.09.2004)

## 1. The following indications appeared on record concerning:

☒ the applicant    ☒ the inventor    ☐ the agent    ☐ the common representative

Name and Address DESMET, Jan Aerebeekstraat 29 B-1540 Herne Belgium	State of Nationality BE	State of Residence BE
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	

## 2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person    ☒ the name    ☐ the address    ☐ the nationality    ☐ the residence

Name and Address DE SMET, Jan Aerebeekstraat 29 B-1540 Herne Belgium	State of Nationality BE	State of Residence BE
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	

## 3. Further observations, if necessary:

## 4. A copy of this notification has been sent to:

<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned
<input checked="" type="checkbox"/> the International Searching Authority	<input type="checkbox"/> the elected Offices concerned
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.89.75	Authorized officer Catherine TOLU (Fax 338-8995) Telephone No. (41-22) 338 9958
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